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08 DEC 2008

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1090 VERMONT AVENUE, NW
SUITE 250
WASHINGTON DC 20005

In re Application of :
BÜLTE, Michael et al. :
Application No.: 10/584,270 :
PCT No.: PCTDE2004/002723 :
Int. Filing Date: 13 December 2004 :
Priority Date: 23 December 2003 :
Docket No.: 12007-0075 :
For: SPECIES-SPECIFIC AND :
QUANTITATIVE DETECTION OF CNS :
TISSUE IN MEAT AND MEAT :
PRODUCTS :

DECISION

ON PETITION UNDER

37 CFR 1.181

This decision is in response to applicant's petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office on 20 October 2008.

BACKGROUND

On 22 March 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b), the surcharge for late filing of the search fee, examination fee or oath or declaration and a sequence listing in compliance with regulations were required. The Notification set a two (2) month extendable period for reply.

On 22 June 2007, applicants filed a response to the Notification, accompanied by the fee for a one month extension of time.

On 21 July 2008, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that a sequence listing in compliance with regulations was still required. The Notification set a one month time limit for response. Extensions of time were not available.

On 15 August 2008, applicants resubmitted the sequence listing and computer readable format.

On 12 September 2008, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to properly respond to the Notification of Missing Requirements. The Notification directed applicant to both an enclosed error report and to PAIR.

On 20 October 2008, applicants filed this petition under 37 CFR 1.181.

DISCUSSION

The Office received each of applicant's submissions of the sequence listing. Each was found defective. The error reports are viewable in PAIR. As applicant failed to properly respond to the Notification of Missing Requirements with the time period for response and did not cure the deficiency

within the time limit set in the Notification of Defective Response, the above application is abandoned.

Applicants may wish to consider the filing of a petition under 37 CFR 1.137.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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